

Change of Zone No. 3415

ORDINANCE NO. \_\_\_\_\_

1                   AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to  
2   Zoning by amending Sections 27.27.030, 27.28.040, 27.31.050, and Section 27.37.030 to  
3   eliminate reference to a combined use permit and special permit; amending Section 27.68.090  
4   to eliminate provisions regarding application fees; amending Section 27.80.020 to increase  
5   the fees for filing an application for a change of zone; amending Section 27.80.025 to increase  
6   the fees for filing an application for a planned unit development; amending Section 27.80.030  
7   to increase the fees for filing an application for a use permit and eliminating a fee for a  
8   combined use permit and special permit; amending Section 27.80.040 to increase the fees for  
9   filing an application for a community unit plan and to provide that these application fees are  
10   also applicable to mobile home courts and mobile home subdivisions; repealing Section  
11   27.80.050 relating to fees for mobile home courts and mobile home subdivision applications;  
12   amending Section 27.80.060 to increase the fees for filing an application for a special permit  
13   and to eliminate reference to a fee for a special permit request as part of a use permit  
14   application; amending Section 27.80.070 to increase the fee for the filing of an application for  
15   an administrative amendment to a special permit, use permit or planned unit development;  
16   amending Section 27.80.080 to increase the fee for filing an application for an appeal to the  
17   Board of Zoning Appeals; amending Section 27.80.090 to increase the fee for filing an  
18   application for an administrative height permit; amending Section 27.80.100 to increase the  
19   filing fee for an application to reduce required parking; amending Section 27.80.105 to  
20   provide that the filing fee for an application for a flood plan development permit shall be the  
21   fee set forth in the Lincoln Building Code; amending Section 27.80.110 to increase the fee for  
22   filing an application for a change of text in Title 27 of the Lincoln Municipal Code; repealing  
23   Section 27.80.120 relating to the filing fee for a subdivision promotion activity permit; adding  
24   a new section numbered 27.80.125 to require a filing fee for an application that requires an  
25   additional legal notice; amending Section 27.80.130 to increase the fee for applications not

otherwise covered by Chapter 27.80; amending Section 27.80.140 to clarify when no fee shall be required; and repealing Sections 27.27.030, 27.28.040, 27.31.050, 27.37.030, 27.68.090, 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.080, 27.80.090, 27.80.100, 27.80.105, 27.80.110, 27.80.130, and 27.80.140 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.27.030 of the Lincoln Municipal Code be amended to read as follows:

**27.27.030 Permitted Special Uses.**

A building or premises may be used for the following purposes in the O-3 Office Park District if a ~~combined use permit~~ and special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Expansion of nonconforming uses;
- (b) Historic preservation;
- (c) Restaurants;
- (d) Medical testing laboratories;
- (e) Recreational facilities;
- (f) Clubs;
- (g) Church steeples, towers, and ornamental spires which exceed the maximum height;
- (h) Broadcast towers;
- (i) Public utility purposes;
- (j) Wind energy conversion systems;
- (k) Health care facilities;
- (l) Motels and hotels;
- (m) Private schools;
- (n) Outdoor seasonal sales;
- (o) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.27.025;

- 1 (p) Mail order catalog sales
- 2 (q) Sale of alcoholic beverages for consumption on the premises in restaurants,
- 3 provided the locational requirements of Section 27.63.680 have been met or waived by the
- 4 City Council.

5 Section 2. That Section 27.28.040 of the Lincoln Municipal Code be amended

6 to read as follows:

7 **27.28.040 Permitted Special Uses.**

8 A building or premises may be used for the following purposes in the R-T Residential

9 Transition District if a ~~combined use permit~~ and special permit for such use has been obtained

10 in conformance with the requirements of this chapter and Chapter 27.63:

- 11 (a) Expansion of nonconforming uses;
- 12 (b) Historic preservation;
- 13 (c) Medical testing laboratories;
- 14 (d) Public utility purposes;
- 15 (e) Private schools
- 16 (f) Early childhood care facilities with sixteen or more children, or with fifteen or
- 17 fewer children not meeting the specified conditions for a permitted conditional use under
- 18 Section 27.28.030;
- 19 (g) Broadcast towers.

20 Section 3. That Section 27.31.050 of the Lincoln Municipal Code be amended

21 to read as follows:

22 **27.31.050 Permitted Special Uses.**

23 A building or premises may be used for the following purposes in the B-2 Planned

24 Neighborhood Business District if a ~~combined use permit~~ and special permit for such use has

25 been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- 26 (a) Health care facilities;
- 27 (b) Recreational facilities;
- 28 (c) Broadcast towers;
- 29 (d) Extraction of sand, gravel, and soil;

1 (e) Church steeples, towers, and ornamental spires which exceed the maximum  
2 height permitted in the B-2 Planned Neighborhood Business District;

3 (f) Expansion of nonconforming uses;

4 (g) Historic preservation;

5 (h) Public utility purposes;

6 (i) Wind energy conversion systems;

7 (j) Cemeteries;

8 (k) Mail order catalog sales.

9 Section 4. That Section 27.37.030 of the Lincoln Municipal Code be amended  
10 to read as follows:

11 **27.37.030 Permitted Special Uses.**

12 A building or premises may be used for the following purposes in the B-5 Planned  
13 Regional Business District if a ~~combined use permit and~~ special permit for such use has been  
14 obtained in conformance with the requirements of this chapter and Chapter 27.63:

15 (a) Historic preservation;

16 (b) Public utility purposes;

17 (c) Wind energy conversion systems;

18 (d) Theaters;

19 (e) Broadcast towers.

20 Section 5. That Section 27.68.090 of the Lincoln Municipal Code be amended  
21 to read as follows:

22 **27.68.090 Application Requirements.**

23 (a) ~~Pre-Application Conference and Fees.~~ Prior to the acceptance of an application  
24 by the City, applicants shall participate in a pre-application conference for the purposes of  
25 discussing application requirements, specifics of the site, plans for current and future facilities,  
26 ~~and establishing the application fee. The purpose of establishing the application fee is to~~  
27 ~~ensure the recovery of City costs and expenses associated with the review of the application~~  
28 ~~including, but not limited to, actual costs of City staff time and resources as well as any outside~~  
29 ~~consultation expenses which the City reasonably determines are necessary to adequately~~  
30 ~~review and analyze the application.~~

1           ~~In lieu of the requirements of Section 27.80.060, the application fee shall be a~~  
2 ~~minimum of \$1,000. The City shall apply such fee against all costs associated with its~~  
3 ~~evaluation of any pending application. In the event that total costs are in excess of the fee,~~  
4 ~~the applicant shall, upon notice from the City, pay such costs. In the event that total costs are~~  
5 ~~less than the fee, the City shall refund a portion of the fee to the applicant.~~

6           (b) Applications for either an administrative permit or a special permit for a personal  
7 wireless facility shall be filed with the Planning Director and shall include the following:

8           (1) A plot plan of the lot and the proposed uses drawn to an accurate scale  
9 and showing all pertinent information. The application material shall provide sufficient  
10 information, as determined by the Planning Director, to allow a complete review of the  
11 proposal. The application material shall also include sufficient detail to indicate compliance  
12 with design standards. Failure to provide adequate information may result in the rejection of  
13 the application.

14           (2) A statement identifying which location preference, identified in Section  
15 27.68.080, the proposed facility is meeting. If the proposed location is not a preferred  
16 location site, describe:

17           (i) Whether any preferred location sites are located within the service  
18 area of the proposed personal wireless service facility;

19           (ii) What good faith efforts and measures were taken to investigate  
20 each of these preferred location sites and why such efforts were unsuccessful;

21           (iii) Why the use of a preferred location site is not technologically,  
22 legally or economically feasible;

23           (iv) How and why the proposed site is required to meet service  
24 demands for the proposed facility and citywide network; and

25           (vi) The distance between the proposed facility and the nearest  
26 residential unit and residentially zoned properties.

27           (3) A description of the security barrier surrounding the base of the tower  
28 and accessory equipment. The description should include the method of fencing, finished  
29 color and, if applicable, the method of camouflage and illumination. Access shall be through

1 a locked gate. The tower shall either have no climbing devices attached to the lower twenty  
2 feet of the tower or shall be fitted with anti-climbing devices.

3 (4) A statement indicating proposed measures designed to minimize  
4 potentially adverse visual effects on adjacent properties with consideration given to design,  
5 unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial  
6 light and coloring provisions;

7 (5) Provide a description of the anticipated maintenance and monitoring  
8 program for the antennae and back up equipment, including frequency of maintenance  
9 services.

10 (6) Provide copies of any environmental documents required by any federal  
11 agency.

12 Section 5. That Section 27.80.020 of the Lincoln Municipal Code be amended  
13 to read as follows:

14 **27.80.020 Change of Zone.**

15 The following fees shall be charged at the time of filing an application for a change of  
16 zone:

17 (a) For the filing of an application for a change of zone to the AG, AGR, R-1, R-2,  
18 R-3, and R-4 zoning districts:

19 (1) Where the area for which the change of zone is requested is one acre or  
20 less, the application fee shall be ~~\$195.00~~ \$250.00;

21 (2) Where the area for which the change of zone is requested is in excess  
22 of one acre, the application fee shall be ~~\$290.00~~ \$370.00;

23 (b) For the filing of an application for a change of zone to all other zoning districts:

24 (1) Where the area for which the change of zone is requested is one acre or  
25 less, the fee shall be ~~\$290.00~~ \$370.00;

26 (2) Where the area for which the change of zone is requested is in excess  
27 of one acre, the fee shall be ~~\$585.00~~ \$740.00.

Section 7. That Section 27.80.025 of the Lincoln Municipal Code be amended to read as follows:

**27.80.025 Planned Unit Development.**

The following filing fees for shall be charged at the time of filing an application for a planned unit development shall be as follows:

- ~~(a) For the filing of a pre-application, \$100.00.~~
- ~~(b) a) For the filing of a preliminary plan, \$400.00 \$500.00.~~
- ~~(c) b) For the filing of a final plan, \$400.00 \$500.00.~~

Section 8. That Section 27.80.030 of the Lincoln Municipal Code be amended to read as follows:

**27.80.030 Use Permits.**

~~(a) The~~ An application fee of \$740.00 shall be \$585.00 for charged at the time of filing an application for a use permit in the B-2, B-5, O-3, R-T, and I-3 zoning districts.

~~(b) The application fee for a combined use permit and permitted special use shall be \$975.00.~~

Section 9. That Section 27.80.040 of the Lincoln Municipal Code be amended to read as follows:

**27.80.040 Community Unit Plan or Mobile Home Court/Mobile Home Subdivision.**

~~The application fee for~~ following fees shall be charged at the time of filing an application for a special permit for a community unit plan as required in Chapter 27.65 or for a mobile home court or a mobile home subdivision under Sections 27.63.120 and 27.63.125:  
~~shall be a~~

- ~~(a) Filing fee of \$195.00~~ \$250.00, plus a
- ~~(b) Unit fee of \$20.00~~ \$25.00 per dwelling unit to a maximum unit fee of ~~\$2,000.00~~ \$2,500.00. Credit shall be given for any ~~lot~~ unit fees paid in connection with subdivision of the community unit plan.

Section 10. That Section 27.80.050 of the Lincoln Municipal Code be and the same is hereby repealed.

1     ~~**27.80.050 Mobile Home Courts and Mobile Home Subdivisions.**~~

2     ~~— The fee for an application for a special permit for a mobile home court or a mobile~~  
3 ~~home subdivision under Sections 27.63.120 and 27.63.125 shall be a filing fee of \$195.00,~~  
4 ~~plus a unit fee of \$40.00 per mobile home shown on the application to a maximum unit fee~~  
5 ~~of \$2,000.00. Credit shall be given for any lot fees paid in connection with subdivision of the~~  
6 ~~mobile home subdivision.~~

7             Section 11. That Section 27.80.060 of the Lincoln Municipal Code be  
8 amended to read as follows:

9     **27.80.060 Special Permit.**

10            The following filing fees for shall be charged at the time of filing an application for a  
11 special permit under Chapter 27.63, other than mobile home courts, mobile home subdivi-  
12 sions, and community unit plans, ~~shall be as follows:~~

13            (a) If the area for which the special permit is requested is one acre or less, the fee  
14 shall be ~~\$195.00~~ \$250.00;

15            (b) If the area for which the special permit is requested is in excess of one acre, the  
16 fee shall be ~~\$585.00~~; \$740.00.

17            ~~(c) The fee for a special permit requested as part of a use permit application shall~~  
18 ~~be that specified in Section 27.80.030(b).~~

19            Section 12. That Section 27.80.070 of the Lincoln Municipal Code be  
20 amended to read as follows:

21     **27.80.070 Administrative Amendments.**

22            ~~The A~~ filing fee of \$125.00 for shall be charged at the time of filing an application for  
23 an administrative amendment to a special permit, to a use permit, or to a planned unit  
24 development ~~shall be \$100.00.~~

25            Section 13. That Section 27.80.080 of the Lincoln Municipal Code be amended  
26 to read as follows:

27     **27.80.080 Board of Zoning Appeals.**

28            ~~The A~~ filing fee of \$250.00 for shall be charged at the time of filing an application for  
29 an appeal to the Board of Zoning Appeals ~~shall be \$195.00.~~



1                   Section 14. That Section 27.80.090 of the Lincoln Municipal Code be amended  
2 to read as follows:

3       **27.80.090     Airport Zoning.**

4                   ~~The A filing fee of \$250.00 for shall be charged at the time of filing~~ an application for  
5 an administrative height permit in connection with the airport zoning district, Chapter 27.59;  
6 ~~shall be \$195.00.~~

7                   Section 15. That Section 27.80.100 of the Lincoln Municipal Code be amended  
8 to read as follows:

9       **27.80.100     Parking.**

10                  ~~The A filing fee of \$250.00 for shall be charged at the time of filing~~ an application for  
11 a reduction in required parking as provided in Section 27.67.030 ~~shall be \$195.00.~~

12                  Section 16. That Section 27.80.105 of the Lincoln Municipal Code be amended  
13 to read as follows:

14       **27.80.105     Flood Plain Development Permits.**

15                  ~~The A filing fee as set forth in the Lincoln Building Code for shall be charged at the~~  
16 ~~time of filing~~ an application for a flood plain development permit under Chapter 27.55 ~~shall~~  
17 ~~be as set forth in the Lincoln Building Code.~~

18                  Section 17. That Section 27.80.110 of the Lincoln Municipal Code be amended  
19 to read as follows:

20       **27.80.110     Changes in Text.**

21                  ~~The A filing fee of \$250.00 for shall be charged at the time of filing~~ an application for  
22 a change of text in Title 27 of the Lincoln Municipal Code ~~shall be \$195.00.~~

23                  Section 18. That Section 27.80.120 of the Lincoln Municipal Code be and the  
24 same is hereby repealed.

25       ~~**27.80.120     Subdivision Promotion Activity Permits.**~~

26       ~~—The filing fee for a subdivision promotion activity permit, as provided in Section~~  
27 ~~27.70.030, shall be \$20.00.~~

28                  Section 19. That Chapter 27.80 of the Lincoln Municipal Code be amended by  
29 adding a new section numbered 27.80.125 to read as follows:

1     **27.80.125     Postponement Fee.**

2             A fee of \$125.00 shall be charged at the time of filing an application that requires any  
3     additional legal notice.

4             Section 20. That Section 27.80.130 of the Lincoln Municipal Code be amended  
5     to read as follows:

6     **27.80.130     General Fees.**

7             ~~The A~~ filing fee of \$250.00 for shall be charged at the time of filing an application in  
8     connection with Title 27 of the Lincoln Municipal Code not otherwise covered by this chapter  
9     ~~shall be \$195.00.~~

10            Section 21. That Section 27.80.140 of the Lincoln Municipal Code be amended  
11   to read as follows:

12   **27.80.140     Exemption for City Filing on Its Own Behalf.**

13            No fee shall be required when any ~~action~~ application or request is ~~recommended~~  
14   initiated by the City Council on its own motion or by any person or group officially designated  
15   to participate in the administration of this title.

16            Section 22. That Sections 27.27.030, 27.28.040, 27.31.050, 27.37.030,  
17   27.68.090, 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.080,  
18   27.80.090, 27.80.100, 27.80.105, 27.80.110, 27.80.130, and 27.80.140 of the Lincoln  
19   Municipal Code as hitherto existing be and the same are hereby repealed.

20            Section 23. That this ordinance shall take effect and be in force from and after  
21   its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor